

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

RAI STRATEGIC HOLDINGS, INC. and R.J.
REYNOLDS VAPOR COMPANY

Plaintiffs,

v.

PHILIP MORRIS PRODUCTS S.A.,

Defendant.

Case No. 1:20-cv-00393-LMB-WEF

JOINT STATUS REPORT

Pursuant to the Court's Order (Dkt. 1491), the parties submit a joint status report to update this Court regarding the United States Court of Appeals for the Federal Circuit's consideration of the three pending appeals pertaining to Reynolds's stayed patents: U.S. Patent Nos. 9,930,915, 9,901,123,¹ and 10,492,542. (Appeal Nos. 2022-1748, 2022-1846, and 2022-1862, respectively).

On July 13, 2023, the Federal Circuit heard oral argument on each of those three pending appeals.

On July 17, 2023, pursuant to Federal Circuit Rule 36, the Federal Circuit summarily affirmed the PTAB's decision invalidating claims 1-5 of U.S. Patent No. 9,930,915 in Appeal No. 2022-1748.

The parties are still awaiting decisions from the Federal Circuit regarding Patent Nos. 9,901,123 and 10,492,542 (Appeal Nos. 2022-1846 and 2022-1862, respectively) and, per the

¹ The pending appeal related to the '123 patent does not involve any claims currently asserted in this action.

Court's order (Dkt. 1491), the parties will inform the Court when decisions are reached by the Federal Circuit regarding those patents.

Dated: July 20, 2023

Respectfully submitted,

/s/ Maximilian A. Grant

Maximilian A. Grant (VSB No. 91792)
max.grant@lw.com
Matthew J. Moore (*pro hac vice*)
matthew.moore@lw.com
Jamie Underwood
jamie.underwood@lw.com (*pro hac vice*)
LATHAM & WATKINS LLP
555 Eleventh Street, N.W., Ste. 1000
Washington, DC 20004
Tel: (202) 637-2200; Fax: (202) 637-2201

Clement J. Naples (*pro hac vice*)
clement.naples@lw.com
LATHAM & WATKINS LLP
885 Third Avenue
New York, NY 10022-4834
Tel: (212) 906-1200; Fax: (212) 751-4864

Gregory K. Sobolski (*pro hac vice*)
Greg.sobolski@lw.com
LATHAM & WATKINS LLP
505 Montgomery Street, Suite 2000
San Francisco, CA 94111
Tel: (415) 391-0600; Fax: (415) 395-8095

Counsel for Plaintiff Philip Morris Products S.A.

Respectfully submitted,

/s/ David M. Maiorana

David M. Maiorana (VA Bar No. 42334)
Ryan B. McCrum
JONES DAY
901 Lakeside Ave.
Cleveland, OH 44114
Telephone: (216) 586-3939
Facsimile: (216) 579-0212
Email: dmaiorana@jonesday.com
Email: rbmccrum@jonesday.com

John J. Normile
JONES DAY
250 Vesey Street
New York, NY 10281
Telephone: (212) 326-3939
Facsimile: (212) 755-7306
Email: jjnormile@jonesday.com

Alexis A. Smith
JONES DAY
555 South Flower Street
Fiftieth Floor
Los Angeles, CA 90071
Telephone: (213) 243-2653
Facsimile: (213) 243-2539
Email: asmith@jonesday.com

Stephanie E. Parker
JONES DAY
1221 Peachtree Street, N.E.
Suite 400
Atlanta, GA 30361
Telephone: (404) 521-3939
Facsimile: (404) 581-8330
Email: separker@jonesday.com

Anthony M. Insogna
JONES DAY
4655 Executive Drive
Suite 1500
San Diego, CA 92121
Telephone: (858) 314-1200
Facsimile: (844) 345-3178
Email: aminsogna@jonesday.com

William E. Devitt
JONES DAY
110 North Wacker
Suite 4800
Chicago, IL 60606
Telephone: (312) 269-4240
Facsimile: (312) 782-8585
Email: wdevitt@jonesday.com

Charles B. Molster
THE LAW OFFICES OF
CHARLES B. MOLSTER, III PLLC
2141 Wisconsin Avenue, N.W. Suite M
Washington, DC 20007
Telephone: (202) 787-1312
Email: cmolster@molsterlaw.com

*Counsel for RAI Strategic Holdings, Inc. and
R.J. Reynolds Vapor Company*